

**PIONEER HI-BRED INTERNATIONAL, INC.
CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

FAX TRANSMISSION

7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000

Phone: (515) 254-2823
Fax: (515) 334-6883

FAX RECEIVED

AUG 23 2002

GROUP 1600

TO: Assistant Commissioner for Patents

FROM: Steve Callistein

RE: Our Case No. 1335
Application No.: 09/759,758

DATE: 8/22/02 FAX NUMBER: (703) 872-9306

NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 15

COMMENTS:

Please find attached the following documents:
Transmittal Letter (2 pages)
Amendment and Request for Reconsideration . . . (12 pages)
ATTC letter (1 page)

The contents of this facsimile are or may be attorney privileged and/or confidential and are intended only for the use of the recipient identified above. If the reader of this message is not the identified recipient, or the employee or agent responsible for delivering it to the identified recipient, you are hereby notified that any dissemination or use of this communication is unlawful and strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to the sender at the above address via the U.S. Postal Service. Anyone so cooperating will be reimbursed for the reasonable expense incurred.

If there is a problem with transmission or illegible pages, please contact the sender or phone (515)248-4827.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached was transmitted via facsimile transmission to TC1600, via facsimile number (703) 872-9306, on this 22nd day of August, 2002.

Steve Callistein
Steve Callistein

8/22/02
Date

Case No. 1335

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Philip Richard Martin	Art Unit:	1638
Serial No.:	09/759,758	Examiner:	David T. Fox
Filed:	January 12, 2001	For:	INBRED MAIZE LINE PH5HK

AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER
37 CFR § 1.111 TO OFFICE ACTION MAILED MARCH 26, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the office action mailed March 26, 2002, Applicant respectfully requests that the following amendments and remarks be considered and made of record.

It is submitted that the amendments to the claims place them in condition for allowance or in better form for appeal and present no new matter.

IN THE SPECIFICATION

At page 52 of the original application, lines 2 – 21, following "Deposits", please delete the entire paragraph and insert the following:

Applicant has made a deposit of at least 2500 seeds of Inbred Maize Line PH5HK with the American Type Culture Collection (ATCC), Manassas, VA 20110 USA, ATCC Deposit No. PTA-4433. The seeds deposited with the ATCC on June 4, 2002 were taken from the deposit maintained by Pioneer Hi-Bred International, Inc., 800 Capital Square, 400 Locust Street, Des Moines, Iowa 50309-2340 since prior to the